Emergency Bill No. 36-00

Concerning: Commission on Landlord - Tenant Affairs - Membership

Revised: 7-31-01 Draft No. 6

Introduced: December 12, 2000

Enacted: July 31, 2001

Executive: August 8, 2001

Effective: August 8, 2001

Sunset Date: None

Ch. 20 , Laws of Mont. Co. 2001

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Ewing, Councilmembers Leggett, Subin, Silverman and Praisner

## **AN EMERGENCY ACT to:**

- amend the qualifications for membership on the Commission on Landlord-Tenant Affairs; [[and]] and
- (2) [[authorize payment of a stipend to certain members of the Commission on Landlord-Tenant Affairs; and ]]
- [[<u>(3)</u>]] generally provide for appointment to membership on the Commission on Landlord-Tenant Affairs.

## By amending

Montgomery County Code Chapter 29, Landlord-Tenant Relations Section 29-9

Heading or defined term.
Added to existing law by original bill.
Deleted from existing law by original bill.
Added by amendment.
Deleted from existing law or the bill by amendment.
Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1	Sec. 1. Section 29-9 is amended as follows:					
2	29-9. Crea	ation;	compo	osition; applicant disclosure; term of office;		
3	compensat	tion.				
4				* * *		
5	(b)	Con	nposition.			
6		(1)	The <b>Commission</b> has 12 members and 3 alternate members.			
7			Each	member must be a County resident.		
8		(2)	Four members and one alternate member each must be:			
9			(A)	[the] an owner of <b>rental housing</b> located in the County;		
10			(B)	a manager, or an employee of a manager, of <b>rental</b>		
11				housing located in the County, or an attorney who		
12				primarily represents owners or managers of rental		
13				<pre>housing[[, located in the County]]; or</pre>		
14			(C)	nominated by an organization that represents owners or		
15				managers of rental housing located in the County.		
16		(3)	Four members and one alternate member each must be:			
17			(A)	a <b>tenant</b> of <b>rental housing</b> in the County,		
18			<u>(B)</u>	an attorney who primarily represents tenants of rental		
19				housing [[in the County]]; or		
20			[(B)]	(C) nominated by an organization that represents <b>tenants</b>		
21				of <b>rental housing</b> located in the County.		
22			<u>A me</u>	ember appointed under this paragraph must not derive a		
23			subst	tantial portion of his or her income from rental housing.		
24		(4)	Four	members and one alternate member must be selected from		
25			the p	ublic at large. A member appointed to represent the public		
26			at laı	ge must not be qualified for appointment under		
27			subp	aragraph (2)(A), (2)(B), [or] (3)(A), or (3)(B), or otherwise		

28		<u>deriv</u>	<u>re a substantial portion of his or her income from <b>rental</b></u>
29		hous	sing or tenants of rental housing. [[The Executive may
30		<u>appo</u>	int, and the Council may confirm, a member who does not
31		meet	the requirements of the preceding sentence if the
32		<u>Exec</u>	eutive certifies that:
33		<u>(A)</u>	after a good faith search, the Executive did not find any
34			qualified applicant who met those requirements; and
35		<u>(B)</u>	the appointee will be able to perform all duties of a
36			Commission member fairly and impartially,
37			notwithstanding any affiliation with or income derived
38			from rental housing or tenants of rental housing.]]
39	<u>(5)</u>	<u>As</u> <u>u</u>	sed in this [[Section]] subsection, an attorney primarily
40		repre	esents either owners and managers of rental housing, or
41		tenar	nts of rental housing, if at the time of appointment the
42		attori	ney appeared in 10 or more landlord-tenant cases in any
43		juriso	diction, and represented that type of client in more than
44		60%	of the attorney's landlord-tenant cases, in the preceding 12
45		mont	ths. As used in this subsection, a "substantial portion" of a
46		perso	on's income means, measured at the time of appointment,
47		<u>eithe</u>	<u>r:</u>
48		<u>(A)</u>	[[20%]] \$10,000 or more of that person's family income
49			during the preceding calendar year, or
50		<u>(B)</u>	the ownership of more than 5% of any rental housing
51			unit, or any ownership interest in any business that owns
52			or manages rental housing.
53		The 1	Director must adjust the \$10,000 amount in the preceding
54		<u>sente</u>	ence each year by the increase or decrease in the

55		appropriate consumer price	index for the preceding calendar				
56		year, rounded to the neares	t multiple of \$10.				
57		* *	*				
58	(e) Com	<b>pensation.</b> Members of the	Commission serve without				
59	comp	ensation, except[[:					
60	<u>(1)</u> ]]	reimbursement for expense	es [[(including child and dependent				
61		<u>care).]]</u> as appropriated[[; <u>a</u>	<u>nd]]</u>				
62	[[ <u>(2)</u>	a stipend, subject to appror	priation, for each case heard by a				
63		Commission member sitting	g on a panel which conducts a				
64		hearing on a complaint or a	appeal before the Commission]].				
65		* *	*				
66	Sec. 2.	<b>Emergency Effective Date</b>	e <b>.</b>				
67	The Council declares that an emergency exists and that this legislation is						
68	necessary for the immediate protection of the public health and safety. This Act						
69	takes effect on [[A	april 1, 2001]] <u>the date when</u>	it becomes law.				
70	<u>Sec. 3. Tra</u>	nsition. Any amendment to	County Code Section 29-9 made by				
71	Section 1 of this A	act applies only to a member	of the Commission on Landlord-				
72	Tenant Affairs appointed or reappointed after this Act becomes law.						
73	Approved:						
7.4	10.1						
74	/S/		August 1, 2001				
	_	dent, County Council	Date				
75	Approved:						
76	/S/		August 8, 2001				
	Douglas M. Duncan,	County Executive	Date				

77 This is a correct copy of Council action.

78 /S/ August 13, 2001

Mary A. Edgar, CMC, Clerk of the Council Date